D.B. Civil Writ Petition No.4817/2004

(Udai Singh Vs. State and ors.)

10.2.2006

HON'BLE MR RAJESH BALIA, J.
HON'BLE MR N.N. MATHUR,J.

Mr. R.S. Shekhawat, for the petitioner/s
Mr. RPS Choudhary, AAG
Mr. P.P. Choudhary), for the respondent/s
Mr Rajendra Mehta)

The petitioner has sought the following relief in this case :-

> "It is, therefore, prayed that this writ petition may very kindly be allowed and by an appropriate writ, order or direction (i)- the State Government may very kindly be directed to file a writ petition immediately before this Hon'ble High Court assailing the validity, legality, correctness and propriety of the judgment dated 15.10.2003 passed by the learned District Judge, Udaipur in Civil Misc. Appeal Nos. 2/2003, 31/2003 and 32/2003; (ii)- that in the event of failure of the State Government to file a writ petition before this Hon'ble High Court this writ petition filed by the petitioner may very kindly be ordered to be treated as writ petition challenging the legality, validity, correctness and propriety of the judgment dated 15.10.2003 passed by the learned District Judge, Udaipur in Civil Misc. Appeals No.24/2003, 31/2003 and 32/2003; (iii)-any other appropriate writ, order or direction which is deemed fit and proper in the facts and circumstances of the case may very kindly be passed in the matter and costs may very kindly be awarded in favour of the humble petitioner."

The grievance of the petitioner arises out of the proceeding initiated by the authority under the Rajasthan Public Premises (Eviction of Unauthorised Occupants) Act, 1964 and the petitioner is aggrieved with the orders passed by the learned District Judge, Udaipur dated 15.10.2003. Without going into the legality of the petitioner to seek this relief, suffice it to notice that in response to the show cause notice it has been brought on record that the State Government has, in fact, filed a writ petition before this Court challenging the order passed by District Judge, Udaipur dated 15.10.2003 which is pending consideration.

In view thereof this petition is dismissed as having become infructuous.

(N.N. MATHUR), J. (RAJESH BALIA),J.

/rm